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C O N F I D E N T I A L SECTION 01 OF 02 RIYADH 000635

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SUBJECT: AMBASSADOR'S FAREWELL MEETING WITH SAG JUSTICE
MINISTER

REF: 2007 RIYADH 00397

Classified By: Ambassador James C. Oberwetter for
reasons 1.4 (b) and (d).

SUMMARY

¶1. (C) Ambassador made a farewell call on Justice Minister Dr. Abdullah bin Mohammed bin Ibrahim Al-Shaikh on March 25. The Minister reflected on changes during the past three years and announced that in the next two months, the SAG will establish a separate court for terrorism and national security cases, appoint investigative judges, establish a Supreme Court, and implement new laws and regulations. He requested that a U.S. Embassy liaison officer work with the Ministry of Justice (MoJ) on all cases, including terrorism and national security. END SUMMARY.

Changes and More Changes to Come

¶2. (C) During Ambassador's March 25 farewell call on Minister of Justice Dr. Abdullah bin Mohammed bin Ibrahim Al-Shaikh, the Minister, who was accompanied by office director and advisor Dr. AbdulMalik Al-Shaikh, explained that King Abdullah does not like inactivity and is promoting change. He cautioned that Saudi society does not want a lot of change unless it has confidence in its leaders. Consequently, the SAG is making slow progress in implementing judicial reforms -- although the Minister hoped that the pace will quicken in the future. He said that since the King has announced his cabinet of ministers for the next four years, new laws and regulations will soon follow. He emphasized that these laws will be promulgated in accordance with normal procedures and will not be martial or emergency laws. He acknowledged that the SAG is finding it difficult to maintain transparency with regard to the police and judiciary, but said the Justice Ministry has made this issue a priority.

Terrorism Courts

¶3. (C) Minister Al-Shaikh said that separate courts will be established to hear terrorism and national security cases. He emphasized that these courts will be part of the existing court framework, although they will have a separate location and management structure. However, added the Minister, security-related considerations require that these courts not be open to the public. Judges will serve on a rotational

basis in order to preserve judicial independence, ensure shared responsibility, and prevent specialization. He said that each judge will decide whether the press will be allowed to cover court proceedings. He also said that the ambassadors of respective countries of defendants will be allowed to attend court proceedings involving their citizens. He said that investigative judges will monitor cases from arrest to verdict. The investigative judge will monitor confessions and ensure that the accused has the right to a lawyer during the interrogation and investigation phases, as well as during the trial. The accused will also have the right to have relatives present during the trial unless there are security concerns. The SAG will appoint a lawyer if the accused cannot afford one.

Implementation of Laws and Regulations

¶4. (C) Minister Al-Shaikh emphasized that the SAG will enforce laws and regulations, acknowledging that implementation is as important -- if not more so -- than promulgating laws. The Minister stressed the delicacy of balancing transparency, freedom of the press, and the sensitivity of judges and court cases, especially when national security is involved. (NOTE: International human rights organizations such as Amnesty International and Human Rights Watch, as well as the Saudi media, have criticized the SAG for inadequately enforcing existing laws that provide for rights for the accused. Such laws include the September 2001 Law of Procedure Before Shari'a Courts, which regulates the rights of defendants, including the right to a lawyer. Additionally, the January 2002 Code of Law Practice established procedures to license lawyers and the rights and

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responsibilities of lawyers, including attorney-client privileges. The May 2002 Criminal Procedure Law defined the rights of defendants and suspects before the police and the courts, including rules for investigations, interrogations, and incarceration. END NOTE).

Judges

¶5. (C) Minister Al-Shaikh stressed the enormity of the impact of recent and pending changes in the judicial system, adding that judges and society need time to adjust. He emphasized the special social and cultural considerations of Shari'a courts, explaining that since judges must be selected from religious scholars, they feel a special obligation to avoid mistakes and issue fair verdicts. Although being a judge is one of the best jobs in the KSA, said the Minister, the SAG has difficulty hiring enough judges, noting that it takes a lot of time to train judges and training is still an area of weakness.

MoJ-U.S. Embassy Liaison Officer

¶6. (C) Minister Al-Shaikh called for the creation of a U.S. Embassy liaison officer who would work with the MoJ on individual cases, including terrorism and national security cases. He emphasized that this liaison responsibility might not be a full-time job and that it should not be a high-level official.

COMMENT

¶7. (C) Although MoJ is traditionally one of the SAG's more conservative ministries, Minister Al-Shaikh stressed the importance of judicial and legal reform, while acknowledging

some frustration with the pace of reform. The Minister's clearly articulated desire to improve recruitment and training of judges, as well as his request for the establishment of a U.S. Embassy-MoJ liaison officer, opens the door to greater bilateral cooperation on judicial reform. The timing is clearly right to leverage the Minister's goals in support of the ongoing efforts of the U.S.- Saudi Arabia Strategic Dialogue's Human Development Working Group to facilitate a robust program of judicial exchanges (reftel).
END COMMENT.
OBERWETTER